

**WILSON, ELSEK, MOSKOWITZ, EDELMAN & DICKER LLP**

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**Kerri L. Yamashita, Esq.**

August 27, 2007

**VIA FACSIMILE AND U.S. MAIL**

Silberstein, Awad & Miklos, P.C.

600 Old Country Road

Suite 412

Garden City, New York 11530

Attn.: Judith Donnell, Esq.

Re: CHARLES JARVIS and KARON JARVIS v. JAMES BUTLER, M.D.,  
MONTEFIORE RADIATION ONCOLOGY, P.C, CENTER FOR RADIATION  
THERAPY, MONTEFIORE MEDICAL CENTER, JACK D. WEILER HOSPITAL  
FOR THE ALBERT EINSTEIN COLLEGE OF MEDICINE, MONTEFIORE  
MEDICAL CENTER,  
Our File No. 22920.00596

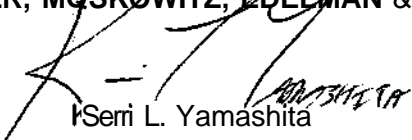
Dear Ms. Donnell:

This law firm has now been further advised that there is an additional entity involved in the maintenance of the radiation therapy machines at our client's facility. We have learned that New York Radiation Therapy Management Services, Inc., a New York corporation with offices at 2234 Colonial Boulevard, Fort Meyers, Florida 33907, was involved in maintenance of the radiation machines during the time period at issue in this case.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned.

Very truly yours,

**WILSON, ELSEK, MOSKOWITZ, EDELMAN & DICKER LLP**

  
Kerri L. Yamashita

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August 14, 2007

## VIA FACSIMILE f5J61 832-7877

Silberstein, Awad & Miklos, P.C.  
600 Did Country Road  
Suite 412  
Garden City, New York 11530

Attn.: Judith Dornel, Esq,

Re: CHARLES JARVIS and KARON JARVIS v. JAMES BUTLER, M.D., MONTEFIORE  
RADIATION ONCOLOGY, P.C, CENTER FOR RADIATION THERAPY,  
MONTEFIORE MEDICAL CENTER, JACK D. WEILER HOSPITAL FOR THE  
ALBERT EINSTEIN COLLEGE OF MEDICINE, MONTEFIORE MEDICAL CENTER,  
Our File No. 22920.00596

Dear Ms, DonneJ;

Please be advised that the defendants respond to your Notice of Discovery & Inspection dated 6/8/07 as follows;

1. The machine manufacturer is Varian, and is a Linear Accelerator, Model #CL2IEX, with Serial Number #25-S.
2. The company that maintains and repairs the machine is Varian.
3. The entity responsible for the maintenance of the machine was: Varian.
4. The technician who wrote the notation regarding the malfunction of the machine was Paula Sipio, who is currently employed. The technician whose initials are signed on the column next to the notation is Calvin Patterson, currently employed.
5. Object to this demand as being overly broad and unduly burdensome. The plaintiff received radiation therapy for a two week period between 8/25 and 9/9/04, Therefore, your demand for records after 9/9/04 is improper, Notwithstanding my objection, I have requested copies of any log books regarding the machine in question for the period of time from 9/1/03 through 9/9/04. If such log books are in existence, I will forward copies to you. I have also requested copies of calibration records for the machine in question for the period of 9/1/03 through 9/9/04, If such records are in existence, I will forward copies to you. Defendant is not in possession of any maintenance or repair

Silberstein, Awad & Mikltis, P.C.

August 14, 2007

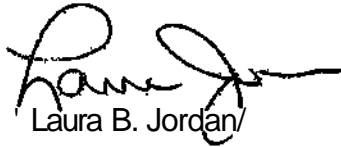
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records, as all such documents are kept by Varian. There are no phone logs regarding complaints made or received as a result of malfunctioning machines,

Should you have any questions regarding the above, please do not hesitate to contact the undersigned.

Very truly yours,

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**



Laura B. Jordan

LBJmaj